IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.5160 OF 2007
IN
FIRST APPEAL NO.2218 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.P.M.Havnur for the appellant.

Mr. J. J. Xavier for
B.M.C.-respondent.

CORAM : ANOOP V. MOHTA,J.

DATED : 23rd October, 2007

P.C.

The appeal is already admitted. By the additional affidavit in support of this civil application, the petitioner-original appellant has placed on record the order dated 6.10.2005 passed by the City Civil Court, Bombay, whereby while dismissing the suit, the court has granted the order of status-quo of the structure which was in existence at the relevant time. The status-quo was continued for four weeks. The observation therefore in

the order dated 4.11.2005 that "The judgment does not show any stay granted", is incorrect as the said order of 6.10.2005 was not pointed out to the Hon'ble Vacation Judge.

The learned counsel for the respondent-corporation is not disputing this position of record. In the result the fact remains that there was a status-quo order passed by the trial court.

Taking all this into account and considering the averments made,I am of the view that pending the decision of the first appeal, status-quo order as granted by the trial court, as there is no change of circumstances, to continue.

Civil application is disposed of accordingly.

[ANOOP V. MOHTA,J.]